

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
vs. ) Criminal Action  
 )  
HERZZON SANDOVAL, ) No. 15-10338-FDS  
EDWIN GUZMAN, )  
CESAR MARTINEZ, )  
ERICK ARGUETA LARIOS, )  
Defendants )

BEFORE: THE HONORABLE F. DENNIS SAYLOR, IV

JURY TRIAL DAY 17

John Joseph Moakley United States Courthouse  
Courtroom No. 2  
1 Courthouse Way  
Boston, MA 02210

February 22, 2018  
9:03 a.m.

Valerie A. O'Hara  
Official Court Reporter  
John Joseph Moakley United States Courthouse  
1 Courthouse Way, Room 3204  
Boston, MA 02210  
E-mail: vaohara@gmail.com

1 APPEARANCES:

2 For The United States:

3 United States Attorney's Office, by CHRISTOPHER J. POHL,  
4 ASSISTANT UNITED STATES ATTORNEY, and KELLY BEGG LAWRENCE,  
5 ASSISTANT UNITED STATES ATTORNEY, 1 Courthouse Way, Suite 9200,  
6 Boston, Massachusetts 02110;

7 For the Defendant Herzzon Sandoval:

8 Foley Hoag LLP, by MARTIN F. MURPHY, ESQ. and  
9 MADELEINE K. RODRIGUEZ, ATTORNEY,  
10 155 Seaport Boulevard, Boston, Massachusetts 02210;

11 For the Defendant Edwin Guzman:

12 Lawson & Weitzen, by SCOTT P. LOPEZ, ESQ.,  
13 88 Black Falcon Avenue, Suite 345, Boston, Massachusetts 02210

14 For the Defendant Erick Arueta Larios:

15 THOMAS J. IOVIENO, ESQ., 345 Neponset Street  
16 Canton, MA 02021;

17 For the Defendant Cesar Martinez:

18 STANLEY W. NORKUNAS, ESQ., 11 Kearney Square,  
19 Howe Building, Suite 202, Lowell, Massachusetts 01852.

20 ROBERT M. SALTZMAN, ESQ., 1 Central Street, Suite 5,  
21 Stoneham, Massachusetts 02180.

22 ALSO PRESENT: Gabriel Haddad, Spanish Interpreter  
23 Carrie Lilley, Spanish Interpreter  
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PROCEEDINGS

THE CLERK: All rise for the jury.

(JURORS ENTERED THE COURTROOM.)

THE COURT: Good morning, everyone. It looks like we have the twelve of you and the three alternates, so I will instruct you to resume your deliberations. If I haven't heard from you otherwise, I'm going to check in with you a few minutes before five. If you think you're close and you want to keep going, I'll let you do that at some point.

09:03AM At some point, the building starts to shut down, but if you want to stay until 5:15 or 5:30, that's easy, that's if I haven't heard from you otherwise. I instruct you to retire and resume your deliberations.

(Jury deliberating)

THE CLERK: All rise.

(JURORS EXITED THE COURTROOM.)

THE CLERK: All rise. Thank you. You may be seated. Court is now back in session.

12:18PM THE COURT: All right. I have a question from the jury. It's a legal question that relates to the instructions I think on page 49. I'll read the note and then read it again because I want to make sure we're all following it correctly. So the note reads as follows:

For the first element of Count 2 on pages 35 to 36, the following statement reads: "The defendants and their

1 co-conspirators are alleged to have conspired to conduct and  
2 participate in the conduct of the affairs of the MS-13 criminal  
3 enterprise through a pattern of racketeering activity that  
4 included murder, attempted murder and illegal drug  
5 trafficking."

6 Further, it also states that "If you find beyond a  
7 reasonable doubt that a conspiracy of some kind existed between  
8 the defendant and some other person, that in and of itself is  
9 not sufficient to find the defendant guilty."

12:19PM 10 Again, the government is required to prove beyond a  
11 reasonable doubt the existence of the conspiracy specified in  
12 the indictment. As per the terms of this indictment,  
13 underlined, "In order to establish the first element, do we  
14 need to be able to find evidence beyond a reasonable doubt of  
15 all elements of racketeering specified in the indictment or  
16 only one or more pieces? To be more specific, would we need to  
17 be able to establish that MS-13 as an enterprise engaged in  
18 murder, attempted murder and illegal drug activity or just one  
19 or more of those actions?" Signed by the foreperson.

12:20PM 20 I'll read it again. For the first element of Count 2  
21 on pages 35 to 36, the following statement reads: "The  
22 defendant and their co-conspirators are alleged to have  
23 conspired to conduct and participate in the conduct of the  
24 affairs of the MS-13 criminal enterprise through a pattern of  
25 racketeering activity that included murder, attempted murder

1 and illegal drug trafficking."

2 Further, it also states that "If you find beyond a  
3 reasonable doubt that a conspiracy of some kind existed between  
4 the defendant and some other person, that in and of itself is  
5 not sufficient to find the defendant guilty. Again, the  
6 government is required to prove beyond a reasonable doubt the  
7 existence of the conspiracy specified in the indictment."

8 "As per the terms of this indictment underlined, In  
9 order to establish this element, do we need to be able to find  
10 beyond a reasonable doubt of all elements of racketeering  
11 specified in the indictment or only one or more pieces? To be  
12 more specific, would we need to be able to establish that MS-13  
13 as an enterprise engaged in murder, attempted murder and  
14 illegal drug trafficking, or just one or more of those  
15 actions?"

16 I think this question falls broadly under the heading  
17 that indictments charge things in the conjunctive, but proof is  
18 only required in the disjunctive, that is, the basic principle  
19 is that although there must be unanimous agreement as to the  
20 type of racketeering activity, the type can be murder or  
21 attempted murder or illegal drug activity, and then the trick  
22 is how do I explain that to them in a way that's coherent?  
23 Mr. Lopez, did you want to say something?

24 MR. LOPEZ: No, because when the interpreter is  
25 speaking, it's hard for me to hear you and him.

1           THE COURT: All right. So I guess what I propose to  
2 do is to maybe walk through some basics just to make sure we're  
3 in agreement because the first and the third elements blend and  
4 overlap a little bit and just to set a framework, I want to be  
5 clear to them that the charged conspiracy is a conspiracy to  
6 commit the crime of racketeering.

7           The defendants must agree that the objective of the  
8 conspiracy was to engage in a pattern of racketeering activity.  
9 Pattern of racketeering activity requires two or more  
12:22PM 10 racketeering acts that are related and pose a threat of  
11 continuing criminal activity, and because the indictment so  
12 charges the racketeering acts have to qualify as murder, armed  
13 assault with intent to murder, or drug trafficking and  
14 firearms, again, firearm offenses do not qualify.

15           The focus is on the agreement. The defendants don't  
16 have to have personally committed any racketeering acts, don't  
17 have to have personally agreed to commit any racketeering acts,  
18 and the racketeering acts don't even have to have been  
19 committed, but there has to be an agreement that the enterprise  
12:23PM 20 would engage in a pattern of racketeering activity, and it has  
21 to be -- there has to be unanimous agreement by the jury that  
22 it's a particular type of racketeering activity.

23           I propose the following example as a hypothetical: If  
24 A agrees to join a racketeering enterprise and he thinks it's a  
25 drug dealing enterprise and B agrees to join the same

1 enterprise but he thinks it's a murder enterprise, there is  
2 not -- they're not guilty of the crime because they have agreed  
3 or they both think it's different racketeering acts.

4 If A thinks it's a murder enterprise and B thinks it's  
5 a murder enterprise, the necessary agreement would be reached.  
6 If A thinks it's murder and drugs and B thinks it's murder  
7 only, the necessary agreement is reached as to murder and so on  
8 so that, again, the jury need only find, although it must find  
9 unanimously, that the pattern of racketeering activity involved  
10 murder or attempted murder or drugs or some combination of  
11 them.

12 Let me throw that out as a starting point. Mr. Pohl.

13 MR. POHL: Thank you, your Honor.

14 THE COURT: Ms. Lawrence I think is the law person  
15 here.

16 MS. LAWRENCE: Mr. Pohl can.

17 MR. POHL: That's all right. Ms. Lawrence, I'm sure,  
18 will jump up if I don't get it right. Let's put it this way,  
19 Ms. Lawrence and I conferred quietly while you were speaking,  
20 and our opinion is that except for the hypothetical, which both  
21 of us, I think, had an adverse reaction to, we think that's  
22 right. Everything up to the hypothetical we thought was the  
23 correct statement of the law, concluding the way that you  
24 suggested, which is that it's in the disjunctive, it's murder  
25 or attempted murder or drug trafficking is correct, and I think

1 that has to be explained to the jury. I think that's clearly  
2 their intention of their note. It sounds like they're double  
3 checking to make sure that they don't need to find all three,  
4 that they just need to be agreed on one or the other or the  
5 other.

6 THE COURT: Well. The poor jury, I mean, you know,  
7 the truth is --

8 MR. POHL: You never know.

9 THE COURT: -- this is hard for Supreme Court Justices  
10 to get right, never mind ordinary people.

11 MR. POHL: So I think except for the hypothetical, we  
12 think that that's both a correct statement of the law and an  
13 appropriate response. Thank you.

14 THE COURT: Who wants to respond? Mr. Murphy.

15 MR. MURPHY: And I speak only for myself here, so  
16 others may contradict me, but I think, your Honor, that the  
17 proposed instruction that the Court provided used the phrase  
18 "join the enterprise," which I think the Court declined to use  
19 during the course of its charge.

12:26PM 20 THE COURT: Well, I'll make sure it's agreed to join  
21 an enterprise.

22 MR. MURPHY: I would think, your Honor, I mean, the  
23 word "join" was not a word that I believe the Court used in its  
24 instructions except perhaps in the murder conspiracy charge, so  
25 I would respectfully suggest that the Court say "agreed to



1 participate in the conduct of affairs of the enterprise" or "in  
2 the conduct of the enterprise" rather than "join." With  
3 respect to -- so that is the first request that I would make.

4 The second is that, again, others on the defense side  
5 may disagree with that, but singling out firearms seems to me  
6 to be -- I would rather have the Court simply say nothing about  
7 offenses that don't count or say including firearms.

8 THE COURT: That's fine, I'm happy to omit it. I'm,  
9 obviously, doing this somewhat quickly.

12:27PM 10 MR. MURPHY: And I think to state the concern that I  
11 have based on the jury's note, and it's a lot to read into, but  
12 I think the jury's question suggests or could suggest that they  
13 are focused solely on what the enterprise does rather than  
14 whether the defendant agreed to participate in the enterprise  
15 through those acts, which I think the Court has explained in  
16 detail in its instructions.

17 THE COURT: Well, that's why I want to take it from  
18 the top. That's a fine distinction, and I'm not presumed to  
19 assume anything about what they know or don't know, and I guess  
12:28PM 20 I'll make clear that I'm attempting to impart summarized  
21 instructions that are quite detailed and that they should  
22 understand that it's a summary and that the written  
23 instructions that I delivered are the instructions they're to  
24 follow, but -- well, let me hear does anyone else want to  
25 respond? Mr. Lopez.

1 MR. LOPEZ: Your Honor, I guess I'm focused on the  
2 agreement part of it, and what I read from that question is  
3 that in looking at the time each of these defendants agreed, if  
4 they agreed to -- agreed to this racketeering conspiracy that  
5 they knew and were agreeing to commit or knew that part of the  
6 racketeering conspiracy was to commit these racketeering acts,  
7 so I would try to more focus on in essence what they knew at  
8 the time they agreed to enter into the conspiracy.

9 THE COURT: I'm sorry, what would you like me to say  
10 specifically?  
12:29PM

11 MR. LOPEZ: Well, I think you initially -- the first  
12 sentence, you said was something like they agreed to, I think  
13 you used the word "join" the racketeering conspiracy.

14 THE COURT: I'm going to change that, but they agreed  
15 to --

16 MR. LOPEZ: I think the pivotal question in the case  
17 is what did they know about this organization at the time they  
18 agreed to be a part of it, if they agreed to be a part of it,  
19 and did they know that this organization was involved in murder  
20 and the other racketeering acts.  
12:30PM

21 THE COURT: Okay. Mr. Iovieno.

22 MR. IOVIENO: It's a confusing question to really  
23 respond to it at this point. I guess, I mean, they have a copy  
24 of the instructions, and it seems like the Court's response may  
25 somehow suggest, I mean, I want to emphasize the pattern of

1 racketeering they still have to find, not simply a murder or  
2 attempted murder, and I think to then explain to them what  
3 aren't acts, I think that's important. I would disagree with  
4 Attorney Murphy, that the firearms clearly aren't, but there  
5 are other acts also. I think that should be emphasized.

6 THE COURT: For what it's worth, by the way,  
7 apparently the First Circuit within the last week or two  
8 reversed a case out of Puerto Rico in which the Judge  
9 instructed that firearm offenses were racketeering acts.

12:31PM 10 MR. IOVIENO: I wasn't aware of that.

11 THE COURT: I haven't fouled it up that badly anyway.  
12 : Mr. Norkunas.

13 MR. NORKUNAS: Judge, I join with my Brothers, but I  
14 thought the hypothetical was appropriate because it did appear  
15 to me as you were reading it through that the essence part of  
16 that was are they confused on the two predicate acts that they  
17 really have to have two because they seemed to have applied do  
18 we need to find all three is what they said.

19 THE COURT: To me, that's the key question, their last  
12:31PM 20 sentence, which I'll repeat, "To be more specific, would we  
21 need to be able to establish that MS-13 as an enterprise  
22 engaged in murder, attempted murder, and illegal drug activity  
23 or just one or more of those actions?" And the short answer is  
24 it's one or more of those actions, but they have to agree  
25 unanimously. That's the simple answer.

1 MR. NORKUNAS: Right, but two predicate acts.

2 THE COURT: Right. I can't say it that way because  
3 it's more complicated, but that's, I think, what the goal of my  
4 answering the question is, which is why I was attempting to  
5 come up with a hypothetical, which, you know, the danger is  
6 anything you do to try to make it simple eliminates the  
7 subtlety that may be problematic, so I'm not going to use the  
8 disfavored word, "join."

9 I'll take it from the top, emphasize that the jury has  
12:32PM 10 to be unanimous as to the particular types of racketeering  
11 acts, and it can be two acts of murder or two acts of assault  
12 with intent to commit murder or two acts of drug trafficking  
13 activity, but it can't be one and one.

14 MS. LAWRENCE: And I think the written instructions do  
15 say and any combination of those, so that might be worth adding  
16 if they're thinking does it have to be all of them, and it  
17 doesn't necessarily have to be one, it can be a combination.

18 THE COURT: All right. So how about if I end like  
19 this, it has to be unanimous agreement as to the particular  
12:33PM 20 type of racketeering activity in question, it has to be two  
21 acts of murder or two acts of armed assault or two acts of drug  
22 trafficking, or any combination of them. If the jury were to  
23 find unanimously it was one act of murder, one act of drug  
24 trafficking, that would not qualify. If half of them thought  
25 it was two acts of murder and half of them thought two acts of

1 drug trafficking, that would not qualify. It has to be  
2 unanimous agreement as to two acts of a particular type of  
3 racketeering activity.

4 Mr. Murphy.

5 MR. MURPHY: Your Honor, my apologies, I would ask for  
6 a second bite. I would ask that the Court include somewhere in  
7 its statement the reference from a sentence in what is now page  
8 45 of the Court's instructions, something on the lines of, "In  
9 other words, the government must prove that the defendant  
10 agreed to participate in the conspiracy and that the conspiracy  
11 involved or would involve the commission of two racketeering  
12 acts." That's essentially from the middle of page 45.

13 THE COURT: Yes, I plan to say that close to verbatim.

14 MR. MURPHY: Thank you, your Honor.

15 THE COURT: Okay. Let's line them up. It's  
16 Exhibit J.

17 (Exhibit J was marked for identification.)

18 THE CLERK: All rise for the jury.

19 (JURORS ENTERED THE COURTROOM.)

12:38PM 20 THE CLERK: Thank you. You may be seated.

21 THE COURT: All right. Ladies and gentlemen, you've  
22 sent a note, which I will read aloud as follows:

23 For the first element of Count 2 on page 35 to 36, the  
24 following statement reads:

25 The defendants and their co-conspirators are alleged

1 to have conspired to conduct and participate in the conduct of  
2 the affairs of the MS-13 criminal enterprise through a pattern  
3 of racketeering activity that included murder, attempted murder  
4 and illegal drug trafficking.

5 Further, it also states that if you find beyond a  
6 reasonable doubt that a conspiracy of some kind existed between  
7 the defendant and some other person, that in and of itself is  
8 not sufficient to find the defendant guilty.

9 Again, the government is required to prove beyond a  
12:39PM 10 reasonable doubt the existence of the conspiracy specified in  
11 the indictment.

12 As per the terms of this indictment, in order to  
13 establish the first element, do we need to be able to find  
14 evidence beyond a reasonable doubt of all elements of  
15 racketeering specified in the indictment or only one or more  
16 pieces. To be more specific, would we need to be able to  
17 establish that MS-13 as an enterprise engaged in murder,  
18 attempted murder and illegal activity or just one or more of  
19 those actions.

12:39PM 20 All right. I'm going to answer that, and I apologize  
21 for how complicated this is. Again, it's important that we get  
22 it right and that you understand that it is complicated.

23 Let me begin by summarizing some basics. I'm just  
24 going to give you a summary to set the stage here. My detailed  
25 instructions, of course, should control your deliberations.

1 The defendants are charged with a conspiracy. It's a  
2 conspiracy to commit the crime of racketeering. The defendants  
3 must agree that the objective of the conspiracy was to conduct  
4 the affairs of an enterprise through a pattern of racketeering  
5 activity. A pattern of racketeering activity means two or more  
6 racketeering acts that are related and that pose a threat of  
7 continuing criminal activity.

8 There are, I think, five types of racketeering acts  
9 that are specified in the indictment and that are charged here:

12:40PM 10 Murder, assault with intent to murder, armed assault with  
11 intent to murder, conspiracy to commit murder, and conspiracy  
12 to possess control substances with intent to distribute them  
13 and to distribute controlled substances.

14 To make this simpler and easier to understand, I'm  
15 going to call those murder, attempted murder and drug  
16 trafficking. Your focus should be on the agreement. The  
17 defendants don't have to have personally committed any  
18 racketeering acts. They don't have to agree that they  
19 personally would commit racketeering acts, and racketeering  
12:41PM 20 acts don't even have to have been committed, but the agreement  
21 has to include an agreement that a pattern of racketeering  
22 activity would occur, and they have to agree that a particular  
23 type of racketeering activity would occur, and you have to  
24 unanimously agree on the particular type of racketeering  
25 activity.

1           Again, the defendants have to have agreed to conduct  
2     the affairs of an enterprise that would engage in a pattern of  
3     racketeering activity. In other words, the commission of two  
4     racketeering acts, but you have to unanimously agree on a  
5     particular type of racketeering activity.

6           Again, there's five specified in the indictment, five  
7     are laid out in the instructions. Again, for the sake of  
8     simplicity, I'm going to call them three: Murder, attempted  
9     murder and drug trafficking. So you must unanimously agree  
12:42PM 10    that the pattern of racketeering activity in question involved  
11    two acts of murder or two acts of attempted murder or two acts  
12    of drug trafficking or any combination of those, but if you  
13    find one act of murder and one act of drug trafficking, that  
14    doesn't qualify. If half of you think that the relevant acts  
15    are murder and the other half think the relevant acts are drug  
16    trafficking, that does not qualify.

17           All twelve of you have to agree on the particular type  
18    of racketeering activity involved, in other words, agree that  
19    it involved at least two acts of murder, at least two acts of  
12:42PM 20    attempted murder, or at least two acts of drug trafficking, or  
21    any combination of those.

22           And, again, I'm using shorthand, murder, attempted  
23    murder and drug trafficking to describe the five specific types  
24    of crimes alleged in the indictment.

25           All right. I hope that is helpful. I would direct



1 your attention to page 49 of my instructions which talks about  
2 this unanimous agreement requirement, just to refresh you, and  
3 just one more time, the jury has to unanimously agree that the  
4 enterprise involved a particular type of racketeering acts. It  
5 can be two acts of murder, two acts of attempted murder, two  
6 acts of drug trafficking, any combination of that, but you have  
7 to unanimously agree on two particular types of acts, and one  
8 and one doesn't count, and if you're split between murder and  
9 drug trafficking, that doesn't count, you have to unanimously  
10 agree on the type of act.

12:43PM

11 THE COURT: All right. Let me see the lawyers quickly  
12 before I let you go.

13 (THE FOLLOWING OCCURRED AT SIDEBAR:)

14 MR. POHL: Your Honor, I'd say two things. At the  
15 very end of their note, they specifically said do we need to  
16 find all three, and you can answer that question no. They did  
17 specifically ask, and I think it's okay for you to specifically  
18 answer.

19 THE COURT: All right. I'll clarify that.

12:44PM

20 MR. POHL: And the other thing is I have nothing to  
21 add to any of the other part of the instructions. The one and  
22 one doesn't count though, I think was confusing. I think you  
23 can say if you all find -- it's the unanimity that matters,  
24 right.

25 THE COURT: Okay.

1 MR. POHL: If you all find one attempted murder and  
2 one drug trafficking or one attempted murder and one murder  
3 that counts. The one and one doesn't count. I think it's in  
4 conflict with the other instructions that you gave.

5 THE COURT: So, in other words, you want me to clarify  
6 that they could unanimously find one murder and one drug  
7 trafficking?

8 MR. POHL: Or one murder and one attempted murder,  
9 sure.

12:45PM 10 THE COURT: All right. I'll clarify.

11 MR. LOPEZ: As long as they add up to two.

12 THE COURT: As long as they add up to two, yes.

13 MS. LAWRENCE: And they all agree which categories.

14 MR. POHL: Right. But I think the key point is their  
15 last -- the end of their note asked a specific question, and do  
16 we need to find all three, and I think your answer back to them  
17 should be you don't need to find all three.

18 MR. MURPHY: Your Honor, from my perspective, at the  
19 very end --

20 THE COURT: Yes.

21 MR. MURPHY: -- the Court said, I believe, that they  
22 have to agree unanimously that the enterprise would involve. I  
23 would respectfully say that the Court remind the jury that they  
24 unanimously agree that the defendants --

25 THE COURT: I'll make that clear.

1 MR. MURPHY: Each defendant separately agreed.

2 MS. LAWRENCE: That the enterprise would involve.

3 THE COURT: Yes.

4 MR. MURPHY: I would say agreed, again, I think it's  
5 the most helpful to quote the language of the instruction.

6 THE COURT: Very clear, helpful language.

7 (SIDEBAR CONFERENCE WAS CONCLUDED)

8 THE COURT: Let me clarify a couple of things. It's  
9 hard, even for the Judge to get this right. The first is your  
10 12:46PM specific question was need you find all three types of  
11 racketeering activities, and the short answer to that is no,  
12 you do not need to find all three.

13 I said somewhat loosely one and one doesn't count.  
14 That was confusing and perhaps may have misled you. You must  
15 find unanimity as to two alleged racketeering acts. It can be  
16 one murder act and one drug act, but it has to add up to two.  
17 In other words, you must be unanimous as to each one, and it  
18 must add up at least to two, and it has to be unanimous.  
19 Again, you can't have half of you agreeing it's one thing and  
20 12:46PM half of you agreeing it's something else. It has to be  
21 unanimous, and it has to add up to two.

22 And I also, to be clear, again, the focus is on the  
23 defendants, what they agreed to do, and the issue is whether  
24 each defendant individually agreed that the enterprise would  
25 involve these types of racketeering activity. It's not a

1 finding alone that the enterprise involved the racketeering  
2 activity, it's that these defendants agreed that the enterprise  
3 would involve these particular types of activity, and your  
4 focus, again, should be on each individual defendant and what  
5 they did or did not agree to.

6 All right. I hope that's helpful. Don't be shy about  
7 asking me for further instructions if you think it isn't, and  
8 I'll do my best, and I instruct you to retire and resume your  
9 deliberations.

12:47PM 10 THE CLERK: All rise.

11 (JURORS EXITED THE COURTROOM.)

12 THE COURT: While the lawyers are here, we have a  
13 medical emergency. One of the jurors, she needs to go home.  
14 What I'm going to do is tell her to go home. Once we've  
15 assembled them, I'll tell them to stop deliberating and make a  
16 record of it. Any problem with that?

17 MS. LAWRENCE: No.

18 THE CLERK: All rise.

19 ( A recess was taken.)

03:57PM 20 THE COURT: So I basically said exactly what I

21 indicated I was going to say, that we had an emergency, I  
22 instructed them to stop deliberating, and as soon as we got  
23 everyone together, we'd assemble in the courtroom, I'll  
24 discharge them for the day and tell them to resume tomorrow,  
25 and her note says, I'll omit her name, "I'm having a medical

1 issue and need to leave for the day." It's Juror Number 14,  
2 and I'll mark that as Exhibit K.

3 (Exhibit K marked for identification.)

4 THE CLERK: All rise for the jury.

5 (JURORS ENTERED THE COURTROOM.)

6 THE CLERK: Thank you. You may be seated. Court is  
7 now back in session.

8 THE COURT: Ladies and gentlemen, welcome back. The  
9 three alternates are present as well as all counsel and  
04:04PM 10 defendants. As you know, a few moments ago, I let one of you  
11 go home and instructed you to stop deliberating for the day.  
12 It's a few minutes after four, so I am going to let you go for  
13 the day. Please remember my cautions not to discuss the case  
14 except in the confines of the jury room and not to pay any  
15 attention to any media reports of any kind, and we will resume  
16 tomorrow morning by getting together in the courtroom at 9:00  
17 and resume deliberations. I'll instruct you to resume  
18 deliberations at that point. All right. Thank you.

19 THE CLERK: All rise.

20 (JURORS EXITED THE COURTROOM.)

21 (Whereupon, the hearing was adjourned at 4:04 p.m.)  
22  
23  
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25

C E R T I F I C A T E

UNITED STATES DISTRICT COURT )  
DISTRICT OF MASSACHUSETTS ) ss.  
CITY OF BOSTON )

I do hereby certify that the foregoing transcript was  
recorded by me stenographically at the time and place aforesaid  
in Criminal Action No. 15-10338-FDS, UNITED STATES vs.  
HERZZON SANDOVAL, et al., and thereafter by me reduced to  
typewriting and is a true and accurate record of the  
proceedings.

Dated this 22nd day of June, 2018.

s/s Valerie A. O'Hara

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VALERIE A. O'HARA

OFFICIAL COURT REPORTER